

FILED

DEC - 3 2004

BEFORE THE DISCIPLINARY COMMISSION OF THE
OF THE SUPREME COURT OF ARIZONA

IN THE MATTER OF AN INACTIVE MEMBER) No. 01-1792
OF THE STATE BAR OF ARIZONA,)
PAUL NALABANDIAN,)
Bar No. 019920)
RESPONDENT.) **DISCIPLINARY COMMISSION**
REPORT

This matter came before the Disciplinary Commission of the Supreme Court of Arizona on November 13, 2004, pursuant to Rule 58(e), Ariz. R. S. Ct., for consideration of the Hearing Officer's Report filed September 21, 2004, recommending acceptance of the Tender of Admissions and Agreement for Discipline by Consent (Agreement) and Joint Memorandum in Support of Agreement for Discipline by Consent (Joint Memorandum) providing for a censure and costs of these disciplinary proceedings.

Decision

The Commission's standard of review is set forth in Rule 58(b), which states that the Commission reviews questions of law *de novo*. In reviewing findings of fact made by a hearing officer, the Commission applies a clearly erroneous standard. Mixed findings of fact and law are also reviewed *de novo*. *State v Blackmore*, 186 Ariz. 630, 925 P.2d 1347 (1996) citing *State v. Winegar*, 147 Ariz. 440, 711 P.2d 579 (1985).

Therefore, having found no findings of fact clearly erroneous, the nine¹ members of the Commission by a majority of eight² recommend adopting and incorporating by

¹ Commissioners Nelson and Osborne did not participate in these proceedings. Mary Durand, from Phoenix, and former Commissioner Jack Potts, M.D., from Phoenix participated as ad hoc members.

reference the Hearing Officer's findings of fact, conclusions of law,³ and recommendation
for a censure and costs. The Hearing Officer's Report is attached herein as Exhibit A.

RESPECTFULLY SUBMITTED this 3rd day of December, 2004.



Craig B. Mehrens, Chair
Disciplinary Commission

Original filed with the Disciplinary Clerk
this 3rd day of December, 2004.

Copy of the foregoing mailed
this 3rd day of December, 2004, to:

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/mps

² Commissioner Orozco was opposed and concluded that a two month suspension was appropriate.

³ The Commission notes the presence of mitigating factor 9.32(f) inexperience in the practice of law but determined the presence of this factor would not affect the outcome.